

REMARKS

Claims 1, 4, 5, 7, 10, 11, 15 and 17 were examined. Claims 7 and 17 are amended. Claims 1, 4, 5, 10, 11 and 15 are cancelled. Accordingly, Claims 7 and 17 remain in the Application.

A. Amendment to the Specification

Applicants inform that the deposited cell line referenced at accession number KCTC 0277BP in International Depository Authority, Korea Research Institute of Bioscience and Biotechnology Korean Collection for Type Culture under the Budapest Treaty, supported by the depository document filed in connection with the Application is QT35-N4D4. QT35-N4D4 was produced by transfecting QT-VC with an EPO expression vector. This is supported in the Application, for example, at page 22, line 9 through page 23, line 7. The deposited QT35-N4D4 is the same as the QT-N4D4 disclosed in the specification. The two characters "35" were inadvertently omitted due to a typographical error. Applicants amend the specification as provided herein for clarification purposes. Applicants respectfully request that the Patent Office enter the amendment to the specification.

B. 35 U.S.C. §112, First Paragraph: Rejection of Claims 1, 4, 5, 7, 10, 11, 15 and 17

The Patent Office rejects claims 1, 4-5, 7, 10-11, 15 and 17 under 35 U.S.C. §112, first paragraph. With respect to pending claims 7 and 17, Applicants amend these claims to reference a QT35-N4D4 cell line. The cell line corresponds to the deposit at accession number KCTC 0277BP in International Depository Authority, Korea Research Institute of Bioscience and Biotechnology Korean Collection for Type Culture under the Budapest Treaty. Applicants respectfully request the Patent Office withdraw the rejection to the pending claims under 35 U.S.C. §112, first paragraph.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 17, 2003.

Nedy Calderon 12/17/03
Nedy Calderon Date